Mystery Developed ;,

OR,

RUSSELL COLVIN,

(SUPPOSED TO BE MURDERED,)

IN FULL LIFE :

AND

STEPHEN AND JESSE BOORN,

(HIS CONVICTED MURDERERS,)

RESCUED FROM IGNOMINIOUS DEATH

BY

Wonderful Discoveries.

CONTAINING,

I. A NARRATIVE OF THE WHOLE TRANSACTION,

BY REV. LEMUEL HAYNES, A. M.

II. REV. MR. HAYNES' SERMON, UPON THE DEVELOPEMENT OF THE MYSTERY.

III. A SUCCINCT ACCOUNT OF THE INDICTMENT, TRIAL AND CONVICTION OF STEPHEN AND JESSE BOORN.

SECOND EDITION.

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TO THE READER.

THE unusual excitement of the public feeling, in consequence of the *recent* conviction of STEPHEN and JESSE BOORN, for the murder of RUSSELL COLVIN, more than *seven years since*—the discovery of Colvin, in full life—his return to the place where his mouldering bones were supposed to be discovered, and the narrow escape of the Boorns from ignominious death, induced the publisher to resort to the most authentic sources of intelligence to obtain all the light that was possible, upon a subject inveloped in doubt, darkness and mystery. The highly respected and reverend clergyman, of Manchester, Vt. (the scene of this mystery,) has furnished, what the publisher ventures to pronounce, altogether the most satisfactory account of these strange occurrences.

The impressive discourse delivered upon the return of Colvin, and the happy rescue of his supposed murderers from impending death, will be read with interest by all.

Copious materials were obtained of the Trial of the *Boorns;* but it is deemed inexpedient *at this time*, to give any but a brief statement of it.

PUBLISHER.

NARRATIVE.

THE wonderful occurrence that has lately been exhibited at Manchester, in relation to the supposed murder, may be ranked among those rare events that seldom, if ever take place. The public mind has been uncommonly agitated. Reports have been circulated, tending to create prejudices, and lead astray. That many things without any foundation in truth, should be spread abroad in a matter so astonishing and interesting, could hardly have been expected. The writer of this narrative believes that there are many things in relation to the event, that may be useful and entertaining, and calculated to throw some light upon this mysterious subject.

Mr. Barna Boorn and his wife, the parents of Stephen and Jesse Boorn, are advanced in age, have been residents of Manchester for about 40 years, and are persons of respectability: they have three sons and two daughters; they all have families. Sally Boorn was married to Russell Colvin eighteen years ago. They have children: their eldest sons name is Lewis; another is Rufus. Of the latter his father was very fond, and used often to carry him from place to place on his back. Colvin had been in a state of mental derangement for a long time, by which he was incapacitated to attend to the concerns of his family, who were dispersed among the connections. Colvin's parents formerly resided in Manchester; but are both dead. He has a brother supposed to live in the western country. He has a sister named Clarissa, who is mentioned in Mr. Chadwick's letter. The sudden departure of Colvin, which was seven years ago the 7th day of May last, excited some inquiry about what had become of him; but as he had frequently absented, (at one time he was gone nine or ten months, and was heard of at Rhode-Island,) it was expected he would return as usual. There were, however, some surmises that possibly he had been murdered. Many observations were made by Stephen and Jesse Boorn that excited jealousies that they were guilty.

With respect to *dreaming*, about which so much has been said and published, it may be remarked, that there has been much said about the murder, and conjectures where it was committed; and where the body might be deposited. By this the mind was prepared to receive similar impressions when asleep; and there was nothing miraculous in the matter, about which so many strange things have been circulated. The dream is here related for the

sole purpose of correcting those fabulous reports, of which the human mind is too susceptible.—A Mr. Boorn* dreamed that Russel Colvin came to his bed side, and told him that he had been murdered, and he must follow him, and he would lead him to the spot where he was buried: this was repeated three times. The deposit was the place talked of previous to the dream, which was where an house had formerly stood, under which was a hole about four feet square, which was made for the purpose of burying potatoes and now filled up. This pit was opened, and nothing, discovered but a large knife, a penknife, and a button. Mrs. Colvin, anterior to their being presented to her described them, accurately, and on seeing them said they belonged to her husband, except the small knife.

An impresion made on the mind by previous circumstances, may dictate a dream, which is commonly the case, and nothing strang, should it have influence in the present affair, in *searching* after truth; but that any decision was predicated in the least on such nocturnal fancies, we have no evidence. They were not mentioned on occasions of enquiry, before court or jury. Perhaps the court had never heard of them. It is certainly to be regretted that such seeds of delusion should be disseminated among mankind, and that truth and propriety do not receive more attention previous to such publications. Much has been said about skulls and bones being found of the human kind. I think we are without sufficient evidence that any thing of this nature has been discovered. A circumstance took place that excited much attention. A lad walking from Mr. Barna Boorn's at a small distance with his dog, a hollow stump standing near the path engaged the notice of the Spaniel, which ran to the place and back again several times, lifting up his feet on the boy, with whining notes, as though to draw the attention of his little master to the place; which had the effect. A cluster of bones were drawn from the roots of the stump by the dogs paws. Further examination was made, and in the cavity of the stump were found two toe nails, to appearance belonging to a human foot; others were discovered in a crumbled state, which to appearance, had passed through the fire. It was now concluded by many, that some fragments of the body of Colvin were found. The cluster of bones were brought before the court of inquiry. They were examined by a number of physicians, who thought them to be human; one of the profession, however, thought otherwise. A Mr. Salisbury, about 4 years ago had his leg amputated, which was buried at the distance of four or five miles. The limb was dug up, and by comparing, it was universal-

Uncle to the aforesaid Stephen and Jesse, and a gentleman of respectability, whose character is unimpeachable.

ly determined that the bones were not human. However, it was clear that the nails were human, and so appeared to all beholders. The bones were in a degree pulverised, but some pieces were in a tolerable state of preservation. Suspicions were excited that the body was burnt, and some part not consumed, cast into the stump and other bones put among them for deception. Sometime after the departure of Colvin, a barn belonging to Mr. Barna Boorn was consumed by fire accidentally : it was conjectured that the body was taken up and concealed under the floor of the barn and mostly consumed. About that time a log-heap was burnt by the Boorns near the place where the body was supposed to be deposited : it was thought by some that it was consumed there.

Some indeed looked upon the manner of the discovery as a kind of prodigy ; others with more propriety that there was nothing marvellous in the affair ; that the dog was allured to the spot by scent or game, which was common to the species. The attention of people was greatly excited ; they had strong prepossessions that murder had been committed ; by which some were prepared to look even on common things as supernatural. But still, as has before been observed, none of these things were introduced or even mentioned in any part of the examination or trial. The strange disappearance of Colvin, his not being heard of, together with some things that took place on the day he was missing, could not fail to create strong suspicions that he had been murdered. Evidence was adduced, that on the day of his departure, a quarrel commenced between him and his brethren, which led to believe he had fallen a victim. But after all, the evidence was circumstantial, though the general evidence was that the prisoners were guilty. Some thought that it was best to dismiss Jesse from any further examination, which had commenced on Tuesday the 27th day of April. He was however still kept in custody. Search was made on Tuesday, Wednesday, Thursday and Friday, for the body, during which time those discoveries were made above alluded to. Jesse was on the eve of being set at liberty, but on Saturday, about ten o'clock, he with a trembling voice observed, " that the first time he had an idea his brother Stephen had murdered Colvin was when he was here last winter : he then stated that he and Russel were hoeing in the Glazier lot, that there was a quarrel between them, and Colvin attempted to run away ; that he struck him with a club or stone, on the b ck part of his neck or head, and had fractured his skull and supposed he was dead. He observed that he could not tell what had become of the body. He mentioned many places where perhaps it might be found. Search was accordingly made, but to no purpose.

The authority issued a warrant to apprehend Stephen, who, about two years before had removed to Denmark, Lewis County,

State of New-York, 198 miles. Capt. Truman Hill, grand juryman for the town of Manchester, Esq. Raymond and Mr. R. Anderson, set out for Denmark, and arrived there in three days. They called on Mr. Eleazer S. Sylvester, inn-keeper, who in the night, together with a Mr. Orange Clark, and Mr. Hooper, belonging to the town, accompanied them to the house of the supposed criminal. Mr. Clark went in first, and began some conservation about temporal concerns; the others surrounded the house, and he was easily taken. The surprise and distress of Mrs. Boorn on this occasion, is not easily described: it excited the compassion of those who had come to take away her husband, and they made her some presents. The prisoner was put in irons, and was brought to Manchester on the 15th day of May. He peremptorily asserted innocence, and declared he knew nothing about the murder of his brother-in-law. The prisoners were kept apart for a time, and assigned to separate cells. Nothing material transpired, and they were afterwards confined in one room. Stephen denied the evidence brought against him by Jesse, and treated him with severity. Both the prisoners were repeatedly admonished to pay the strictest regard to truth. Many days were taken up in public examinations of the reputed criminals. Evidence was brought forward which was much against them. Lewis, son of Colvin, testified that he saw his uncle Stephen knock down his father, was frightened and ran home. This witness is before the public.—Jesse Boorn, after an interview with his brother, denied that Stephen ever told him that he killed Colvin, and that what he had reported about him was false. Evidence appeared so strong against the prisoners, that they were bound over to await their trial at the sitting of the Supreme Court, to be holden at Manchester, the third Tuesday of September.

During the interval, the writer frequently visited them in his official capacity: but did not discover any symptoms of compunction; but they persisted in declaring their innocence, with appeals to Heaven. Stephen, in particular, at times, appeared absorbed in passion and impatience. One day I introduced the example of Christ under sufferings, as a pattern worthy of his imitation: he exclaimed, "I am as innocent as Jesus Christ!" for which extravagant expression I reproved him: he replied, "I don't mean that I am guiltless as he was, I know I am a great sinner; but I am as innocent of killing Colvin as he was." The Court sat in September; a judicious and impressive charge was given to the grand jury, by his Honor Judge Doolittle, and a bill of indictment was presented against Stephen and Jesse Boorn: but as it was not a full court, the trial could not commence, according to a late act of the Legislature of this State.

The Court was accordingly adjourned to the 26th of October,

1819. It was with much difficulty that a jury was obtained; but few could be found who had not expressed their opinion against the prisoners. The Hon. Judge Skinner, and Mr. L. Sergeant were counsel for the prisoners. Mr. C. Sheldon, late States Attorney, was employed in behalf of the State. The counsel on both sides discovered much zeal and ability. The trial commenced on Tuesday the 27th day of October, and continued until Saturday night following.

An indictment was presented, containing a charge against Stephen and Jesse Boorn, for the murder of Russel Colvin, to which they pled, NOT GUILTY. The occasion excited uncommon attention. Six hundred people attended each day, during the trial. Much evidence was introduced which was rejected by the Court, as being irrevelant. The case was given to the jury, after a short, judicious and impressive charge by his Honor Judge Doolittle, which was followed by a lengthy, and appropriate one, by the Hon. Judge Chase. The jury retired, and within about one hour returned; and in compliance with a request of Mr. Skinner, they were severally enquired of whether they had agreed upon a verdict, and each agreed that they had found both of the prisoners guilty of the murder charged against them. The verdict was then publicly read by the clerk. After a short recess, his Honor Judge Chase, with the most tender and sympathetic emotion, which he was unable to suppress, pronounced the awful sentence, "that the criminals be remanded back to prison, and that on the 28th day of January next, between the hours of ten and two o'clock, they be hanged by the neck until each of them be dead! and may the Lord have mercy on their souls."

None can express the confusion and anguish into which the prisoners were cast on hearing their doom. They requested by their council, liberty to speak, which was granted. In sighs and broken accents, they asserted their innocence. The convulsion of nature attending Stephen at last, was so great as to render him unable to walk; but was supported by others, and carried to prison. The compassion of some was excited, especially towards Jesse, which inclined them immediately to send a petition to the legislature, then sitting at Montpelier, praying that the punishment of the criminals might be commuted for that of imprisonment for life. But few, however, signed the petition in favor of Stephen. The assembly spent several days on the subject, and finally granted the request of Jesse, yeas 104, nays 31. The request of Stephen was negatived in the house, yeas 42, nays 97. The decision of the Assembly was brought to Manchester by His

Excellency Gov. Galusha, and immediately communicated to the prisoners. Jesse received the news with peculiar satisfaction; while Stephen was greatly depressed, being wholly left without hope. Jesse lamented that his brother could not share in the same comparative blessing with him, and that they could not be fellow-prisioners together. Little did these brothers think that the fate of Stephen would terminate more favorable than that of Jesse, and be the cause of a more speedy deliverance. 'Tis often the case, that the darkest dispensations of divine providence are presages of the rising morning. This should teach us always to trust in the Lord, and consider that although clouds and darkness are round about him, yet justice and judgment are the habitation of his throne.

On the 29th day of October, Jesse took a final farewell of his brother, of his friends, and family at Manchester, and was carried to the State-prison at Windsor, expecting to spend the remainder of his life there. None can express the melancholly situation of Stephen, the poor prisoner: seperated from wife and children, parents and friends, under sentence of death, without hope. I visited him frequently with sympathy and grief, and endeavoured to turn his mind on the things of another world; telling him that as all human means failed, he must look to God, as the only way of deliverance. I advised him to read the holy scriptures, to which he consented, if he could be allowed a candle, as his cell was dark; this request was granted; and I often found him reading. He was at times calm; and again impatient. The interview I had with him a few days before the news came that it was likely that Colvin was alive, was very affecting. He says to me, "Mr. Haynes, I see no way but I must die: every thing works against me; but I am an innocent man: this you will know after I am dead." He burst into a flood of tears, and said, "What will become of my poor wife and children; they are in needy circumstances, and I love them better than life itself." I told him God would take care of them. He replied, "I don't want to die. I wish they would let me live even in this situation, some longer: perhaps something will take place that may convince people that I am innocent." I was about to leave the prison, when he said, "Will you pray with me?" He arose with his heavy chains on his hands and legs, being also chained down to the floor, and stood on his feet during prayer, with deep and bitter sighings. *A Mr. Taber Chad-

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* *Mr. Chadwick and Mr. Polhamus, live distant from each other about* 40 *miles.*

wick, of Shrewsbury, Monmouth County, New-Jersey, brother-in-law of Mr. Wm. Polhamus, in Dover, N. J. where Colvin had lived ever since April, 1813, seeing the account of the trial of the Boorns at Manchester, he wrote the letter that has been so often published. When the letter came to town, every one was struck with consternation. A few partly believed; but the main doubted. "It cannot be that Colvin is alive," was the general cry. Mr. Chadwick's letter was carried to the prisoner, and read to Stephen; the news was so overwhelming that, to use his own language, nature could scarcely sustain the shock; but as there was some doubt as to the truth of the report, it tended to prevent an immediate dissolution. He observed to me, "that he believed that had Colvin then made his appearance, it would have caused immediate death. Even now, a faintness was created that was painful to endure." Soon a letter was sent to Manchester, informing that there was a probability that the man supposed to be murdered, was yet alive, and that Mr. Whelpley, of New-York, formerly of Manchester, and who was intimately acquainted with Colvin, had actually gone to New-Jersey in quest of him. Thus there was increasing evidence in confirmation of the letter. As soon as Mr. Whelply had returned to New-York, he immediately wrote, "that he had Colvin with him." A Mr. Rempton, a former acquaintance of Russel's, wrote to his friend here, "that while writing, Russel Colvin is before me." A New-York paper anounced his arrival also, and that he would soon set out for Vermont. Notwithstanding all this, many gave no credit to the report, but considered it a mere deception. Large bets were made. On the 22d of December, Colvin arrived in the stage with Mr. Whelply at Bennington. The County Court being then in session, all were filled with astonishment and surprise. The Court suspended business for some hours, to gaze upon one who in a sense had been dead, and is alive again. Many who formerly knew him, now saw that there could be no deception: Russel could call many of them by name. Toward evening, the same day, he came to Manchester; notice being given that he was near at hand, a cry was heard, "*Colvin has come!*" The stage was driven swiftly, and a signal extended: it was all bustle and confusion. The stage stopped at Capt. Black's Inn. The village was all alive; all were running to obtain sight of the man, who they had no doubt was dead, and had come as a kind of Saviour to one who was devoted to the gibbet. Some, like Thomas, in another case, would not believe without tangible evidence. People gathered around him with such eagerness, as to ren-

der it impossible to press through the crowd, or obtain a sight of him. Almost all his old acquaintance he could recognize, and call them by name. Several guns were discharged for joy; people ran to different parts of the town to give notice. The prison door was unbolted, the news proclaimed to Stephen, that Colvin had come! The welcome reception given it by the joyful prisoner, need not be mentioned. The chains on his arms were taken off, while those on his legs remained: being impatient of an interview with him who had come to bring salvation, they met. Colvin gazed upon the chains and asked, "What is that for?" Stephen answers, "Because they say I murdered you." Russel replied, "You never hurt me." His wife and friends and people from every part of the town were collected—Joy and gladness sat on every countenance. Many shouts of rejoicing were heard, together with the discharge of cannon. The news having been spread, that Colvin had come to Manchester, the next day there was a large collection from the neighbouring towns, who met to behold the returned exile, and to express their high satisfaction on the occasion. I think I can say, that I scarcely ever saw more exultation and tender sympathy, on any occasion. Not less than fifty cannon were discharged, and at a seasonable hour they returned to their places of abode. Mrs. Colvin came to see her husband, but he took but little notice of her, intimating that she did not belong to him. Some of his children came to see him, of whom he appeared somewhat fond. He wondered how they came here, as he said "he left them in New-Jersey, and must take them back. He fancies that he is the owner of the farm belonging to Mr. Polhamus, in Dover; talks much about his property there. It is observed by those who formerly knew him, that his mental derangement is much greater than it was when he left Manchester. Many things that took place years ago he can recollect with accuracy, and describes with a degree of propriety. He discovers a placid and harmless disposition. The family where he resided in New-Jersey, are fond of him, wish him to return, and spend his days with them, of which he seems very desirous: accordingly, on the 29th of December, he set out from Manchester, with Mr. Whelply, for New-York, who engaged to convey him from thence to his former habitation, in New-Jersey: having received remuneration from this town for that purpose. There it is probable Colvin will end his days. Stephen is not in a state of confinement, but lives with his family. Jesse is still in State's prison, has heard the news, and has wrote to his attorney to use means for his release. It is probable that

the honourable court will provide some way by which they may obtain a legal dismission at their session, which is at Bennington on the 3d Tuesday of January inst.

The writer would observe, that publishing the above narrative, was the effect of friendly importunity. It may be expected that imputations of an unwarranted nature, on the town of Manchester, and on the civil authority of Vermont, will be made; but I am fully of the opinion, was the matter well understood, that the judicious and candid would be satisfied.

It must be acknowled, that it is one of the most mysterious events recorded in the annals of time. There are circumstances attending it which are still inveloped in obscurity, that human sagacity cannot explore.—Has there murder been committed at Manchester? is a question often suggested by people abroad. We are ready to answer, that evidence, to prove such an event, does not appear. One thing we are sure of, that Russel Colvin has not been murdered; and that the prisoners condemned are, and ought to be exonerated.

LEMUEL HAYNES.

Manchester, Vt. 1820.

Addition.—About four years after Colvin was missing, some children of Mr. Johnson's near the place where it was supposed that the murder had been committed, found a hat; they carried it home: all agreed that it was Colvin's hat: it was in such an injured state that it was pulled in pieces and thrown away.—Colvin was unwilling to return to Vermont with Mr. Whelply, who was obliged to have recourse to stratagem. A young woman of Russel's acquaintance agreed to accompany him, pretending that they only designed a visit to New-York. While there she was missing, which excited some uneasiness in the mind of the returning exile. While staying a few days at New-York, to prevent his returning, Mr. Whelply told him there were British men of war laying in the harbor, and unless he kept within doors, he would be kidnaped. This had the desired effect. Colvin when he set out for Manchester, concluded that he was on his way home to New-Jersey, and never perceived the deception until he came to Bennington, and saw many people with whom he had formerly been acquainted, and he was filled with surprise.

THE PRISONER RELEASED.

A

SERMON,

DELIVERED AT

MANCHESTER, VERMONT,

LORDS DAY, JAN. 9th, 1820.

ON THE REMARKABLE INTERPOSITION OF DIVINE PROVIDENCE, IN THE DELIVERENCE OF

STEPHEN AND JESSE BOORN,

WHO HAD BEEN UNDER SENTENCE OF DEATH, FOR THE SUPPOSED MURDER OF

RUSSEL COLVIN.

TO WHICH ARE ADDED,

SOME PARTICULARS RELATING THERETO.

BY LEMUEL HAYNES, A. M.
MINISTER OF THE GOSPEL IN MANCHESTER.

HARTFORD:
R. STORRS....PRINTER.

prisoners of hope, could the late wonderful providence of God in delivering our fellow mortals, be improved for the emancipation of precious souls from the prison of death and hell, O! with what thanksgiving, with what extacies of joy should we hail such an event! To improve it to this purpose is my main design on this occasion, and I am persuaded my brethren, that you will this day bid me God speed, and not withhold your assistance in a matter so solemn and important.

Wherein there *is*, and *is not* a similarity in the matters before us, is the order proposed.

1. Prisoners are in a state of *confinement* by an act of the civil authority, and are condemned by law: the murderer for shedding blood: so the wicked are arrested by an act of the court of Heaven, and are condemned already—John 3, 18. The indictment against the wicked it very high: God makes inquisition for blood, Psal. 9, 12. Is it not more than probable that the blood of a husband, a wife, a brother, a sister, a child, is crying from a repository of the dead against you, with accents not less severe and significant than the blood of a murdered Abel! Yea; perhaps from the prison of eternal despair, to which place your unfaithfulness has consigned them.—You are indicted for suicide, for destroying yourselves—Hos. 13, 9. Neither does the charge stop here:—You stand convicted before the court of Heaven for shedding the precious blood of the son of God, or making a violent attempt on the life of the God-Man Mediator, for piercing the Saviour—Zech. 12, 10. For crucifying the son of God afresh, and for putting him to open shame—Heb. 6, 6 Does not a groaning creation, adverse Providence, and a guilty conscience, bear a coincident testimony against you?

2. Prisoners are cut off in a great measure from human society, as unfit for their communion and fellowship. So it his with toe wicked—they separate themselves. Saints and sinners are prone to keep at a distance from each other.—The prisoner converses principally with his fellows in jail, while those abroad are not fond of their place of abode.

nor of their company. While constrained to stay with them, they are prone to exclaim in the language of David, 'Woe is me that I sojourn in Mesech, that I dwell in the tents of Kedar.' Psal. 120, 5. Men naturally are deprived of the blessing of society, and the privileges of the children of God.

3. Another distressing circumstance that attend prisoners is, they are in a state of darkness, as mentioned in the text.—The light of the sun does not shine upon them. The wicked are said to sit in darkness, to walk in darkness, to love darkness, &c. They are blind to their own characters and the character of God—to their own danger, and to the only way of escape. Wicked men behold nothing of the divine glory in his word, or in his works. Their eyes are blinded and they cannot see. Like prisoners confined in a dungeon, no cheering ray can penetrate the impenetrable wall, or illuminate the solitary mansion.

4. A prison is a place of distress and trouble. What a wretched state was Jeremiahin when cast into the dungeon, where was no water, and his feet sunk down into the mire! Eastern monarchs when they had cast their wretched captives into a dungeon, never gave themselves the trouble of enquiring about them; but let them lie a long time in that miserable condition, wholly destitute of relief, and disregarded, says Bishop Lowth.—Prisoners among the Romans were fettered and confined in a singular manner. One end of the chain, which was of a commodious length, was fixed about the right arm of the prisoner, and the other about the left arm of a soldier. Imprisonment, says Dr. Doddridge, is a much greater punishment in the eastern part of the world than here. State criminals, especially when condemned to it, are not only forced to submit to a very mean and scanty allowance, but are frequently loaded with clogs and yokes of heavy wood, in which they cannot either lie or sit at ease; and by frequent scourgings, and sometimes by rackings, are frequently brought to an untimely end. These instances are introduced to illustrate the propriety of the appropriate allusion in my text. The wicked are represented as being un-

der the bonds of iniquity—as perishing with hunger—as travailing in pain all their days, and like the troubled sea that cannot rest.

5. The prisoner assigned to an impregnable castle, is in a state of confinement; he cannot extricate himself. His case is in a sense hopeless and helpless, without an interposition of divine power, as in the case of Daniel and Silas and Peter. Sinners in scriptural bondage, cannot deliver themselves, being bound with the cords of their sins, and are morally unable to burst their bands asunder, scale or break through the adamantine walls of their iniquities.

6. Imprisonment is a state of degradation. Such are despised and treated with contempt. So the wicked are considered as out-casts, forlorn, vile and despicable, in the sight of God. They are said to be cloathed with shame, like prisoners having on them filthy garments—like wretched captives covered with vermin, loathed and abhorred by the Almighty, and will be treated with infinite contempt, at the day of judgment.

7. Criminals have a time appointed by authority for their execution, when they must be brought forth, and in a public manner experience a shameful death. So the sentence is pronounced by the judge of quick and dead, against all the finally impenitent, and in the council of God, the day of their death is appointed by an unalterable decree of Heaven.—The wicked is reserved to the day of destruction—they shall be brought forth to the day of wrath.—Job. 21, 30.

8. The poor prisoner in jail is an object of pity and commisseration. They excite the tender sympathy of the humane and benevolent. Their friends mourn their sorrowful state, and tremble at the approach of the day of their execution. Who can describe the distresses of a parent, a brother or sister, on the reflection of the state of a child, a brother, doomed to an untimely, and ignominious death! They bedew their pillow with tears, and wearisome days and nights are appointed to them. This, my friends, is but an imperfect picture of those agonies and pains that God's people

sometimes experience, by reflecting on the state of sinners doomed to the first and second death. Paul travailed in pain for the souls of men; was in great heaviness and sorrow of heart. "O that my head were waters, and my eyelids a fountain of tears! Rivers of water run down mine eyes," were the exclamations of holy David, on account of those who were under the condemnatory sentence of God's holy law, and every moment exposed to its awful infliction!

2dly. But it may be useful to draw a contrast between the two cases before us.

1. Prisoners committed to jail among us are assigned there by *men*, or human tribunals, and not always sanctioned by the Almighty. But the wicked are doomed to punishment by an act issued from the Court of Heaven. "Jesus, who is appointed Judge, pronounces the awful sentence, 'Let him be taken from among men, from the prison on earth, and delivered to the tormentors, to suffer eternal death!' The denunciation is from the majesty of Heaven, and fills the trembling criminal with terror and dismay. He shudders! he sinks! like an affrighted Belshazzar. His countenance is changed; the joints of his limbs are loosed, and his knees smite one against another! Prisoners condemned by earthly judiciaries, may entertain hopes that they may possibly escape the hands of men, or have the sentence reversed, or the punishment commuted; but when it is denounced by the Lord Jesus Christ, the incorrigible sinner can have no hope in his present state. He cannot flee from the hands of the Almighty, nor support himself amidst his inflexible wrath.—God will not meet him as a man, but will take vengeance.—Isa. 47, 3. His hands cannot be strong, nor his heart endure, when God shall deal with him.

2. When the sentence is passed on criminals, they can sometimes appeal to higher authority, and obtain favour: have a new trial, plead an error of court, or a commutation of punishment; but there is no appeal from the Court of Heaven; no mitigation of sentence; but amidst all the schemes

and inventions of men, the council of the Lord that shall stand.

3. Criminals among men are allowed council to plead for them; and their cause is often ably defended by gentlemen of the bar. But this will not be admitted before the tribunal of Christ. None will even dare to undertake for them, before the assembled universe: to none of the saints can they turn; their cause will appear so unreasonable and hopeless, that no man or angel will dare to say a word in their behalf.

4. Those confined in prison for crimes, bear a small proportion to the world in general. The rapid increase of late of men of this character, is an alarming consideration, and calls all classes of men, especially rulers, to vigilance, humiliation and prayer. But blessed be God, humanity and philanthropy are still distinguishing characteristics of our land in general; and there is a laudable disposition prevalet among our citizens, to apprehend and detect those, who by their enormous crimes, forfeit their liberties and their lives, into the hands of civil justice. Murderers in our land and on the high seas, cennot elude the hand of the pursuer. Although they flee to foreign countries, they are detected and remanded to our shores, to receive the punishment due to their crimes. But have we not reason to fear that the number of those who are in a state of spiritual bondage and imprisonment, is very great, vastly exceeding those who have been made free by the son of God; and still have a dreadful verdict laying against them in the Supreme Court above. Not to mention heathen lands, whose dreary regions have never been illuminated by the exhilarating beams of the Sun of righteousness. How few comparatively, even under the light of the gospel, who are called upon to go forth from their wretched confinement, and shew themselves, and obey the heavenly mandate!

5. The imperfections incident to all men and all courts of judicature, renders them liable to wrong verdicts. The most prudent and experienced cannot plead exemption. The innocent may be condemned, and the guilty go with impunity.

But the great searcher of hearts cannot be deceived. Every decision is dictated by infinite wisdom and infinite goodness : he can by no means clear the guilty or condemn the innocent. God will judge the people with perfect equity, and justice and judgment are the habitation of his throne.—Psal. 89, 14.

II. Let us attend to the other illustration in the text, which implies deliverance, " Go forth—shew yourselves."—The author of it is the Lord Jesus Christ. That THOU mayest say, viz. the person designated or appointed by the Father, see verse 8th, thus saith the Lord, man acceptable time have I heard thee, and in a day of salvation have I helped thee : and I will preserve thee, and give thee for a covenant of the people, to establish the earth, to cause to inherit the desolate heritages.

This deliverance of sinners is consistent with the law of God, and dignity of divine government. It is by the blood of the covenant that prisoners are sent out of the pit wherein there is no water, Zech. 9, 11. It cannot be admitted in any other way, as intimated in the text, " That thou *mayest* ;" suggesting the idea that the thing may not take place on any other condition. The Lord Jesus Christ brings about the deliverance of his elect, through the instrumentality of means ; not that they are efficacious ; for after all, God gives the increase. God is said to save men by the foolishness of preaching—1 Cor. 1, 12. In the late instance among us, it was God who wrought the salvation ; but it was brought about by means, and very unexpected. There were a series of events that might be traced ; but they were all directed by the invisible hand of him, who worketh all things after the counsel of his own will—Eph. 1, 11. In delivering men from the bondage of sin and death, God defers it to an extreme hour, that his power and grace may clearly appear to which men are apt to be exceedingly blind. The sentiment suggested may derive a degree of illustration by the late providence of God, with which we are all acquainted. Measures were used in vain to deliver from punishment.—

Court and Jury were unanimously against the prisoners. The public voice pronounced the verdict just; and were not altogether satisfied with the commutation of the punishment of death for that of imprisonment for life, granted to one of them by legislative authority. With respect to Mr. Stephen Boorn, there was ninety-seven against forty-two members in the house who were opposed to affording him any relief, so that he was left to suffer death agreeable to sentence."—Able council was employed—No hope of escaping out of custody; being cast into the inner prison, bound in triple chains, and carefully guarded. The object of going in search of the exile supposed to be murdered, was pretty much relinquished. The advertisement published at the request of the criminals, was not a mean of the information that Colvin was yet alive; as Mr. Chadwick's letter was anterior to his having seen that publication. The time of execution was drawing nigh, and not a gleam of hope from any quarter. Until, behold from a far country, the Lord raised up an instrument of deliverance, a stranger to us all. It was great, seasonable, satisfactory and sure.

It may be worthy of remark, and tend to illustrate divine interposition, that Mr. Chadwick was not in the habit of taking the Evening Post, which contained the trial at Manchester, and which inclined him to write the letter, by which information was obtained that the man supposed to be murdered was yet alive; but had the paper put into his hand by what we are wont to call mere accident.

"Just in the last distressing hour,
The Lord displays delivering power:
The mount of danger is the place
Where we shall see surprising grace."

When God says to prisoners, Go forth! shew yourselves! What power in the word! Their chains are taken off, the bars of the prison house broken. With joy they leave the solitary dungeon! They are quickened and made to stand on their feet, and walk at large, and are restored to the arms of

their friends, and to the liberties and immunities of Gods people. The poor prisoner leaps for joy—comes to the light—shews himself—is beheld with raptures of transport—appears in a different point of light to all beholders—shews himself as one exonerated, and to whom there is no condemnation, is a fellow-citizen with the saints. To open the blind eyes, to bring out the prisoners from the prison, and them that sit in darkness, out of the prison-house. Sing unto the Lord a new song, and his praise from the end of the earth, ye that go down to the sea, and all that is therein; the isles, and the inhabitants thereof. Let the wilderness and the cities thereof lift up their voice, the villages that Kedar doth inhabit: let the inhabitants of the rock sing, let them shout from the top of the mountains. Let them give glory unto the Lord, and declare his praise in the islands—Isa. 42. And the ransomed of the Lord shall return, and come to Zion with songs, and everlasting joy upon their heads; they shall obtain joy and gladness, and sorrow and sighing shall flee away—Isa. 35, 10.

There is certainly a degree of likeness in the two cases before us, or the deliverance of men out of common jails, and the sentence denounced against them, and the freeing the wicked from the bondage of sin and condemnation.—To draw a striking contrast may be useful on the present occasion.

1. In the case of the former their trial is before earthly courts—their sentence denounced by them; but the deliverance of the wicked from the power and dominion of sin, is the special and immediate work of God, or the mighty agency of the Holy Spirit. The people of God may work; ministers may preach, and say to prisoners, come forth! but it will be foolishness; it will be ineffectual, until the arm of the Lord be revealed. Then, and not till then, will the foundation of the prison be shaken, and all the doors opened, and the bands loosed.

2. Sinners confined in the prison of their sins, are unwilling to leave it—they love prison fare and company—love their chains—love darkness; and although the door is thrown wide open, and liberty proclaimed to the captives; yet they will not come forth, nor shew themselves; but exert their power

and faculties to close the door, and deeper drive the massy bolts, and shut out every ray of divine light: it being painful to them. But men confined in earthly dungeons, when they hear the news of their emancipation, How do they leap to lose their chains, and bid adieu to their gloomy abode! O how welcome the invitation! Go forth out of darkness!—shew yourself! When a poor prisoner reflects on the many painful days spent in the melancholly cell, separated from dear connexions and friends, in expectation of a horrible death, O! how welcome the reversion of the doom! none but the experienced can form a conception.

4. 'Tis sometimes the case that criminals are acquitted on the principle of distributive justice; they are not found guilty of the crime alleged, or for which they were committed; but the wicked can never be acquitted in this way. They are fully guilty of the every crime with which they are charged. There can be no error in the testimony and decision to oppose or commute the punishment. No irrellevant witness can be admitted for or against the prisoner. 'Tis pardoning grace through a mediator that frees the penitent from the sanctions of the law.

4. The emancipation granted by human courts is only a reprieve of the body for a few years, months or days, perhaps hours or moments. Death may be inflicted by the hand of God before the time specified in the sentence of civil authority. But the act of the Almighty frees the *soul* from the terrors of the first and second death.

When God delivers sinners from the slavery and bondage of their sins, and the sentence thereto annexed, he confers great blessing upon them; bestows many valuable gifts by which they are made rich.—Psal. 68, 18. Thou hast ascended on high, thou hast led captivity eaptive; thou hast received GIFTS for men, yea for the rebellious also. When men are liberated from prisons, people may be disposed to make them some remuneration; but it is only temporal good at best they can impart, which can only relieve them and family from bodily wants.

5. Persons exonerated by earthly judiciaries, are liable to

arrests for new offences. Many have been acquitted from jails or state-prisons, but again commit crimes and are sentenced to death, and in a few months executed. Snch instances of late have been within our observations. But those whom the Lord acquits will never again be arraigned before the court of Heaven and condemned. None can or dare lay any thing to their charge, so as to sentence them to death; for there is no condemnation to them: Rom. 8, 1. There is an immutable and an eternal act of absolution issued for all past and future crimes.

The late remarkable occurrence or dispensations of divine providence among us, in relation to the prisoners condemned, and their wonderful delivernace, will form an epoch in the annals of history that will be transmitted to generations yet unborn. Reflections of a serious and interesting nature are suggested.

1. The imperfection of human nature, under peculiar advantages is clearly exhibited. Perhaps in no case were circumstantial evidence more clear and conclusive, or greater unanimity in court and jury, or coincidence in the public mind. But few who did hesitate to bring in their verdict of GUILTY. The wisdom, candor and integrity of the board of trial cannot be questioned. Neither are we disposed to impeach the witnesses in general. Even the prisoner himself had confessed the crime, and after all we are assured that they are innocent. It may prove a caution to us to look as favorable as possible on the side of innocency, and to the exercise of that charity that "hopeth all things," and not be too hasty in taking up a reproach against our neighbour—Psal. 15, 3. Courts of judicature are hereby taught to proceed with the utmost deliberation and carefulness, especially in cases of life and death, and not decide without very clear and conclusive evidence.*—

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* *These remarks are not designed as the least reflection on the honourable Court who attended at Manchester. I have often observed, that during the trial, there appeared to be a favorable leaning in behalf of the criminals, and a very candid indulgence. Evidence not directly in point was not admitted. Mr. S. Boorn has repeatedly told me and others, that he did not*

How far the opinion of our first commentaries on law ought to be regarded, is out of the preachers province to determine ; but a point to be discussed by gentlemen of the bar. " All presumptive evidence of felony should be admitted cautiously, (says Blackstone,) for the law holds that it is better that ten guilty persons escape, than that one innocent suffer : and Sir Matthew Hale in particular, lays down two rules, most prudent and necessary to be observed. " 1. Never to convict a man for stealing the goods of a person unknown, merely because he will give no account how he came by them, unless an actual felony be proved of such goods. 2dly. Never to convict any person of murder or manslaughter, till at least the body be found dead ; on account of two instances he mentions, where persons were executed for the murder of others who were then alive, but missing."

2. The final issue and termination of the event, so plainly in favor of the reputed criminals, should by no means be improved as a discouragement to search after iniquity, and use all proper measures to detect trangressors, and bring them to condign punishment. In apprehending criminals there are two objects proposed, viz. to find out the guilty, or clear the innocent. These ideas are inseperably involved. When the latter is effected, character is retrieved, the man honoured and restored to society, and the dignity and safety of the state secured. A more important point is obtained, even to the public, than if criminality was discovered.

If positive evidence in the minds of all must be obtained of offence, anterior to public process, it would render investigation in almost all cases unnecessary. That there were grounds for suspicion that murder had been committed at Manchester, none acquainted with all the circumstances will deny ; and that it became an imperious duty to enquire into the matter, will not be disputed by the candid. Whether there has been too much, or too little attention paid to the matter,

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blame the authority for deciding against him, considering the evidence adduced. This he has observed to me since the sitting of the Supreme Court.

and whether every thing has been attended to in the best manner, would be to contend with the doctrine of human imperfection. The result is favorable, and we rejoice.

3. We are clearly taught, that there is a superintending providence, that directs all events ; that the works of God are great and marvelous, and past finding out. The goodness of the Almighty is plainly illustrated. While he is one that will by no means clear the guilty ; yet he will deliver the innocent in his own time and way.—" God will execute judgment for the oppressed—give food to the hungry : the Lord looseth the prisoners : He heareth the groaning of prisoners, to loose those who are appointed to death." If the Lord is so ready in such a wonderful way to rescue the bodies and lives of men from death, may we not argue from the less to the greater, and infer the infinite benignity of the Saviour, who delivers the souls of men from endless perdition. Verily the Lord is good, and ready to forgive.

4. We are evidently taught by reflecting on the late dispensation of the Almighty, the vast importance of paying a strict attention to truth and veracity, and that at all times, and under every trying circumstance. How pertinent that injunction of the apostle, Eph. 4, 15—Speaking the truth in love. Those who have been the subjects of so much distress, cannot but see that the want of adhering properly to this important lesson, has been a fruitful source of their calamity and trouble, and how much pains and cost it has been the occasion of. Let parents inculcate this important duty on the minds of their children ; and let every instance of vexation and sorrow to which a contrary conduct subjects us, teach us to pay the most sincere regard to truth and uprightness, as we would have the approbation of our Judge, and the testimony of a good conscience.

5. The subject is peculiarly interesting to those among us who have lately been remarkably emancipated from bondage, slavery and death. Was there ever a clearer display of divine interposition ? and can they be blind to that Almighty hand that hath wrought deliverance ? God has said to you that were prisoners, Go forth !—to you who were in darkness

shew yourselves! Human means were used in vain, especially for him who continued under sentence of death. Application to legislative authority only tended to render his case more desperate; as it diminished the power of the Governor and council to grant a reprieve. Nothing scarcely but the appearance of the supposed murdered exile, would satisfy the public mind, or reverse the sentence of death, and it was little to be expected. But amidst all these gloomy apprehensions, the arm of the Lord was revealed in your behalf, and has given incontestible evidence of your innocence. The prisoners released, especially the one present, will recognize those melancholly days and nights he has spent in the dreary dungeon; shut out from society, from your family, and friends. I can never forget those many solitary hours I have spent with you, amidst that dismal habitation. I have in some sense been a kind of companion with you in tribulation. I have been an eye and an ear witness to your tears, agonies and groans, under the awful anticipations of an ignominious death, and of a speedy separation from the dear companion of your youth, and helpless children, whom you declared unto me were dearer to you than life itself. Had the event taken place who could relate the pitiful story to fatherless children! Could a broken hearted mother lead them to some obscure spot, and say, there, dear children, lies the remains of an unfortunate parent, who wished to be your support in life; the fondness of whose arms were wont to embrace you with parental affection! Could she point them to the gibbit, on which a father was suspended, and relate the melancholly disaster!—To conceal it would be improbable, and to relate it almost impossible. You ought to consider, that although you are restored to your family, yet God must be their support. That Almighty arm that has taken care of you and been your preserver, must also be their protector. Your anxious desire to be restored to your family, is granted and effected by him whose tender mercies are over all his works. You cannot but feel the obligations you are under of gratitude to Him, who has almost miraculously interposed in your behalf. Can you think on this without the most sincere emotions of praise

and thanksgiving? Can you refrain from having an altar of praise erected in your house, to Him who has done such great things for you? Shall not the morning and evening sacrifice ascend like holy incense from your habitation?

This display of divine goodness should lead you to repentence—Rom. 2, 4.—Although you are found innocent of the charge alledged by an human court; yet with respect to other sins in common with your fellow sinners, you cannot plead exemption. 'Tis for our sins we are punished by the hand of God. 'Tis for our sins that others are suffered to afflict us. You connot but see that some of your conduct during your imprisonment has had influence in the decision against you. By improper and wrong concessions, you have been led to self-crimination. I hope you will review your past conduct, and will be led to amendment of life. You have ingenuously confessed to me, that you have too much indulged yourself in imprudent and profane language, which has greatly been improved against you in your late trial. You have been sensible of this, and to your credit I mention it, you have promised to reform. The apostle James in relation to the tongue, says, 'Behold what a great matter a little fire kindleth!' The goodness of God in sparing you, is a sure pledge that he is willing to pardon and restore you to his favor. Oh! reflect on the wretched state that twenty days more would have introduced you, had you died in your sins. A more awful prison awaits the ungodly, where hope never comes. The sentence pronounced against you will doubtless soon be reversed; yet should you be found impenitent, the court of heaven still holds you a prisoner condemned, and the more awful execution may take place before the 28th of January. This day may form a kind of anniversary in your life: you will always remember it; and oh! may it during your abode on earth, be a day of thanksgiving to God for the signal display of his mercy towards you!

In this remarkable providence you can see judgment and mercy, chastisement and benignity. Affliction in subjecting you for months to a dark and gloomy prison in chains—in being reputed a murderer—cut off from society, your family, and

lying under the sentence of death. But here is divine wisdom and goodness displayed, in reversing the sentence, retrieving your character, &c. Had you been exonerated by the Court : or if the process had never commenced, 'tis probable that Colvin would never have been discovered, and a stigma might be fixed on you and unborn posterity. But God has effectually wiped away the reproach. The prisoners released will be under peculiar temptations to indulge a hard and bitter spirit towards some who have appeared in evidence against them. That a perfect adherence to propriety in all things, amidst such a series of events, could not be expected. If you have in any instance been injured, it is God's prerogative to avenge the wrong, and not yours, as it is written, 'To me belongeth vengeance and recompence. Dearly beloved, avenge not yourselves, but rather give place unto wrath : for it is written vengeance is mine ; I will repay saith the Lord'— Deut. 32, 35 ; Rom. 12, 19. You see by what has taken place in your late trials, that God can conduct matters best even for you. Commit all to him. Be of a peaceable forgiving temper. Suppress every unruly passion, and all evil speaking. Let God's goodness so wonderfully displayed, excite you to be merciful, as our Father who is in Heaven is merciful. The general and unusual joy manifested by this and the neighbouring towns, on the return of your deserted brother in law, will I think, incline you to believe that they were not hostile to your life, and did not thirst for human blood. Every countenance expressed gladness, and every tongue hailed the auspicious day. Shouts and rejoicing resounded from house to house, and from town to town. All seemed anxious to drink deep with you in the cup of your deliverance.

However great you may prize your escape from prison, how much more ought you to value and seek acquittance and freedom from the fatal bondage of sin and death ! This would excite singing of a more sublime and extatic nature. All Heaven would exult in songs that would never, never end !— Luke 15, 10. Since the Lord has in so wonderful a manner spared your lives, oh! what obligations are you under to de-

vote the remainder to God. You cannot expect another call so powerful and alarming: and should this be misimproved, may you not consider it an awful presage of inevitable ruin—Prov. 29, 1. He that being often reproved, hardeneth his neck, shall suddenly be destroyed, and that without remedy.

The aged parents, who have for months been groaning under the heavy hand of the Almighty, may greatly rejoice.—You have been mourning children devoted to a shameful and untimely death. Had it taken place, perhaps it would have brought down your gray hairs with sorrow to the grave. The miseries that come upon our children should lead us to examine, whether our unfaithfulness to the concerns of their souls has not had influence in the calamities to which they are incident. Every day, especially the shadows of evening did not fail to waft your imaginations to the doleful mansion, that contained your unhappy children, while horrible and frightful scenes of a disgraceful death, disturbed your nightly repose. Every enjoyment of life was imbittered, and every walk became solitary. The yearning of the bowels of tender parents over their children, bound in chains, doomed to the gibbit, is taught only by experience. Could you not say with the broken hearted Jacob, "All these things are against me."

The dwellings of a brother and sister becomes a Bochim, and their responsive cries entered the walls of distress. At home, abroad, in the house of God, grief lies heavy on their souls; while every tender feeling of the heart swells the tide of anguish and distress. Could an affectionate sister hear of the fatal destiny of two brothers, and not sink beneath the heart-rending tidings!* Oh the bitter reflections, the painful sensations among friends, whose mingled sorrows absorb all the pleasures of life!

**Mrs. Richardson, sister of the prisoners, being on a visit to a neighbouring house, on hearing that the sentence of death was pronounced against her brothers, fell prostrate on the floor.*

But why should I harrow up the soul by too minute a detail, or dwell too long on those days of tribulation? They are passed and gone. God has turned your mourning into dancing. Although weeping endured for a long and wearisome night, yet joy came in the morning. Let Jehovah-jirah, the Lord will see and provide, be written on the posts of your door, and on the fleshy tables of your hearts. Let this motto be inscribed in legible and indelible characters, on all your deportment, that he may run that readeth—*The Lord hath done great things for us, whereof we are glad.*

I trust this and the neighbouring towns have, in a degree, by their conduct exemplified that inspired injunction, "Rejoice with them that do rejoice, and weep with them that weep." Their readiness to afford pecuniary relief to the distressed family, is a practical demonstration. It has for months past been a time of peculiar mourning and distress, to see our fellow creatures in wretched confinement, awaiting an awful execution. I trust our prayers have been ascended to Heaven for divine interposition, and the Lord in a mysterious way has granted us deliverance. Through the faithfulness and vigilence of our fellow-citizens, (under God,) the town of Manchester is delivered from the public censure of *Blood-guiltiness*; which otherwise would have clave to them to the latest posterity. All who read and hear this mysterious events, even generations yet to come, will be constrained to exclaim, "Verily there is a God, whose judgments are unsearchable, and his ways past finding out."

I can scarcely persuade myself to quit the subject, altho' it will be a kind of repetition, without adverting to that extacy and delight, with which we beheld the devoted man quit his direful abode. He was waiting between hope and fear, until the glad tidings were proclaimed—the prison-door opened, the chains unrivited, and he welcomed to the light. May it not reprove such who are under the sentence of God's law; prisoners of hope, and will not come out. O! that I could with success proclaim in your ears this day the expostulatory declaration of the great deliverer, Isa. 61. The

spirit of the Lord God is upon me; because the Lord hath anointed me to preach good tidings unto the meek: he hath sent me to bind up the broken hearted; to proclaim liberty to the captives, and the opening of the prison to them that are bound. Let me say to the prisoners, Go forth! To you that are in darkness, Shew yourselves. The door is thrown wide open—Jesus is ready to break your bonds asunder. Angels invite—yea, all Heaven stand ready to shout your deliverance through the streets of New-Jerusalem. The nature of our inability can be infered by seeing the prisoner escape when the door is unlocked, that it is of the moral kind, being bound only with the cords of our sins, unwilling to depart. We are not convened this day to witness the awful death of a fellow mortal, suspended between the Heavens and the earth—Nor to hear the bitter sighs, or behold the distorted visage of a devoted malefactor; but to hear the jubilee trumpet proclaiming salvation. Turn ye to the strong hold, ye prisoners of hope. May the arm of the Lord be revealed.—AMEN.

A

BRIEF SKETCH

OF THE

INDICTMENT, TRIAL, AND CONVICTION

OF

STEPHEN AND JESSE BOORN,

FOR THE MURDER OF

RUSSEL COLVIN,

AT A TERM OF THE SUPREME COURT OF THE STATE OF VERMONT,

HOLDEN AT MANCHESTER,

OCTOBER, 1819.

TOGETHER WITH REMARKS UPON THAT EXTRAORDINARY PROCEEDING.

BY S. PUTNAM WALDO, ESQ.

HARTFORD:

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INTRODUCTORY REMARKS.

THE *moral sense* of the people of our Republic, is not perhaps evinced more clearly by any fact, than the universal horror that is felt at the shedding of human blood. In many portions of the *old world*, violent deaths produce little more emotion, than those which are occasioned by the ordinary laws of nature. The victims of the highwayman, and the midnight assassin, are silently entombed, and the murderer is either *feebly* pursued, or suffered to escape without an attempt to bring him to punishment.

How different is the case in our own beloved country! No sooner is it known that human blood has been shed, and like the blood of Abel "*cries from the ground*," than the whole population is in commotion. A voluntary "hue and cry" is raised—every nook and corner of the country is scoured; and the blood-stained murderer may almost as well escape from the righteous vengeance of heaven, as from the punishment inflicted by human tribunals.

Wherever the blood of man stains the ground, the people inhabiting that portion of our country, seem to consider themselves as implicated in the guilt, until the murderer is discovered and brought to punishment. The people of Dedham scarcely rested until *Fairbanks*, the murderer of Miss *Fales*, was brought to condign punishment. The people of Wilbraham and the adjoining country, hardly gave "sleep to their eyes, or slumber to their eye-lids," until *Halligan* and *Dayly* attoned for the murder of *Lyon* upon the gallows. A long catalogue of instances might be mentioned to evince the general prevalence of this sentiment. It is a sentiment that does honor to human nature—a sentiment that peculiarly marks the character of our countrymen.

But the "*corruption of the best things become the worst.*" While we acquiesce with solemn satisfaction in the punishment of those whose *guilt* is rendered *indubitable*, we thrill, with inexpressible horror, at the idea that an *innocent* human being should be launched into eternity by the judgment of an human tribunal. Humanity is stamped in indelible characters upon the LAWS of our country; and although the severest of them *must* be executed, it should never be forgotten that—"mercy tempers justice."

The *certainty* of guilt should be rendered as clear as the certainty of punishment; and as long as a *doubt* remains of the guilt of a man upon trial for his life, that *doubt*, according to the humane principles of our law, amounts to *acquittal*.—One of the most profound sages of Jurisprudence who ever honored the bench of Justice, or graced its pure *ermine*, promulgated a position which ought to be engraved in letters of gold in every hall of Justice—"IT IS BETTER THAT TEN GUILTY MEN SHOULD ESCAPE, THAN THAT ONE INNOCENT MAN SHOULD SUFFER DEATH."

The *recent* conviction of STEPHEN and JESSE BOORN for the murder of RUSSELL COLVIN, more than *seven years* since, has produced a sensation through the whole extent of our vast country. The whole transactions connected with this event, are so completely involved in mystery, that a full developement of them is hardly to be expected. As soon as it was supposed that somebody had been murdered at Manchester, the people of that vicinity absolutely seemed to be driven into a state of infatuation. The history of *witchcraft* itself, scarcely can furnish a parallel; and a more melancholly delusion seemed never to have taken possession of the human mind. Else why should so many people be deceived in the very fact whether human bones were found or not? The *ghost* of Colvin seemed to have had, if possible, a more serious effect upon the minds of the people, than that of the King of Denmark upon Hamlet. He maintained "*method in his madness*," and resorted to measures far different from chains, dugeons, threats and denunciations, to discover the murder-

er of his father. Far be it from the intention of the writer, in the remotest degree, to impeach the judgment of the highly respectable court, by whom the unhappy Boorns were sentenced to death. Equally far be it from his intention, in the least to affect the respectable jury upon whose verdict the awful sentence of death was pronounced. The *evidence* presented to them rendered the guilt of the prisoners too clear for any other result. But the *manner* in which the evidence was obtained, was so extraordinary—so unprecedented, that it becomes a subject of animadversion.

The Boorns and Colvin were in the humblest circumstances. Their families were to be supported by hard labour. They were men, evidently of very ordinary capacities, and had but little of that sensibility which results from education, and refined society. The family of Colvin was increasing as his means of sustaining them were diminishing. Occasionally he was affected by the greatest calamity which can befall an human being—mental derangement. Although a brother in law to the Boorns, he hung like a dead weight upon them and their father. Those kind of bickerings, altercations and strifes which almost invariably take place in low life, and which are increased by the prospect of want, were frequent amongst them. The miserable Colvin, with a shattered intellect, fled from a scene which tortured his imagination, and increased the malady of his mind. Years rolled away, and Colvin "*was not.*" The remembrance of the unkind treatment which had been bestowed upon him by the Boorns, undoubtedly disturbed their tranquility, and drew from them occasional expressions of compunction. These expressions were remembered by the neighbours, who undoubtedly *wondered* what had become of *poor Russell Colvin.*

This subject occupied the attention of almost every mind in the neighbourhood. It seems as if the age of *ghosts* and *hobgoblins* had revived; and that every house was haunted by the *ghost of Colvin.* At length the *murdered* Colvin *actually* appeared to a connection of the Boorns, and declared

that he *had* been murdered by the Boorns, and pointed out the place where he *was* buried. Upon this miraculous revelation, all the human passions were called into opeaation.—An old deserted potatoe-hole was explored, and bones were found amongst its rubbish! "The north gave up and the South kept not back!" Every body rushed forth to behold *the bones of Colvin!* The valleys poured forth groups of wondering men and women, not a few; the mountaineers descended from the rugged sides of the mountain to gaze, with trembling awe and quivering solicitude, upon—*the bones of Colvin*! Timid females, and *men* who think and act like timid females, undoubtedly from the effects of disturbed imaginations, saw the ghost of Colvin flitting across the declivities of the mountains, or walking with solemn step around the fields. All, all was consternation! Every mouth was ready to exclaim, *murder! murder!*

The previous quarrels of Stephen and Jesse Boorn with *the murdered Colvin*—their accidental expressions in regard to him, and most especially a declaration to *Sall*, (as they called Mrs. Colvin) that she might "*swear a child*," with which she was pregnant, *because Colvin was dead*, all conspired to fix suspicion upon the unfortunate Stephen and Jesse. The unsuspicions Boorns were pursuing their humble callings in life—the one in the State of New-York, the other in Vermont, two hundred miles apart. Suddenly the powerful and resistless arm of vindictive justice was raised over their devoted heads.

They were loaded with irons—immured in a dungeon—and were deprived even of the miserable consolation of communing with each other in their calamities—for they were chained in separate cells. Even *innocence* could hardly sustain the mind under such an accumulation of woes. At first, they persisted in declaring their total ignorance of the crime alleged against them, and affirming their innocence. But their minds, naturally feeble, and rendered distracted at the prospect of death, began to waver. They found an unconquerable prejudice against them in the minds of the people;

and they scarcely heard an human voice but what uttered forth the language of crimination. But there was no evidence of their guilt—and had they not been alarmed by denunciations, or allured by false hopes, they never *could* have been brought to make the most extraordinary CONFESSIONS, which stand recorded in the melancholy records of criminal law. Upon these confessions they were condemned to die, and Stephen Boorn at this time, (January 28th) would have been suspended between the heavens and the earth, and his agonized brother clanking his chains in a dungeon, had they not been rescued by the appearance of the LIVING COLVIN. That the public mind should, if possible be satisfied as to the guilt of an human being who suffers death, the practice of endeavouring to obtain a confession of the criminal AFTER he is condemned, is excusable ; but by exciting fears or raising hopes in the minds of a man BEFORE he is tried, and thereby obtaining CONFESSIONS against *himself* is making him his *own executioner*—is making him FELO DE SE.

This subject might be extended much father ; but it may already have been extended too far. But the writer most unequivocally avers that he is far from wishing to implicate any human being engaged in this melancholy transaction.—It is *principle* for which he contends, without the remotest wish to affect, or injure any man.

An examination of all the principal facts yet disclosed has induced the writer to remark, perhaps with more freedom than caution, upon the measures resorted to, to obtain CONFESSIONS from the Boorns' of their *own* guilt. To prove their accuracy, the following extracts of a letter from one of the examining magistrates, is here introduced.

" *Much was said to Jesse, to get the facts from him : he was told that if he should confess the facts, it would probably be the means of clearing him. Jesse at length confessed that Stephen told him, that he (Stephen) gave Russel a blow, and laid him aside, where no one would find him. Upon this we sent for Stephen, who was brought here. Jesse now said that his for-*

mer confession was not true: but nothing could now convince the people that Colvin was not murdered."

"During their commitment, much exertion was made to get a confession from them. Stephen wrote a statement of what he said were facts; in which he acknowledged he killed Colvin, deposited him in the place where the knife and button were found, and that he took the bones from that place and put them under his father's barn, which was soon after burnt, and the body principally consumed."

"It appeared in evidence, that several had promised to sign for their pardon, if they would confess; at the same time telling them that there was no doubt they would be convicted upon the testimony that was then against them."

"A person in jail with them for perjury, testified to a full confession of the murder, made to him by Stephen and Jesse: and it was so artfully framed, so corroborated by other facts, that it had great weight with the court and jury, though it appears now to have been wholly false. But he has his end answered; he has got bail by the means, and gone off."

The reader ought to be apprised that the following "Brief Sketch," is not offered as a "Report" of the Trial of Stephen and Jesse Boorn, for the murder of Russell Colvin—it is merely a summary of the multifarious mass of evidence exhibited upon that singular prosecution; and is designed to corrobborate the facts stated in the Narrative and Sermon of the Rev. Mr. HAYNES, and the preceding remarks of the writer. As they are published together, it is hoped, and it is believed that the reader will find in this publication a candid, dispassionate and authentic view of this unprecedented transaction. It is said that a full Report of this trial is about to be published under the sanction of the Supreme Court of Vermont. It will become a leading case before the Courts and Juries of our country. The termination of it may be productive of a double effect—it may be productive of good, so far as it may restrain those who sit in judgment upon the lives of their fellow-men, from pronouncing the awful sentence of death, until guilt is rendered indubitable—it may

produce evil, as it may prevent the infliction of punishment, where there ought to be no doubt of guilt. It is most sincerely hoped it may occasion a total discontinuance of the highly reprehensible practice of encouraging prisoners from raising their hopes, or alarming them by exciting their fears, to make CONFESSIONS against themselves. "*No man is bound to criminate himself*," is a maxim handed down from the best periods of Roman and English Jurisprudence. It is this principle that has banished the torture and the rack from most portions of the civilized world.

STATE OF VERMONT.

Supreme Court, adjourned Term, November, 1813.

Present—Hon. DUDLEY CHASE, Ch. Just.
Hon. JOEL DOOLITTLE, Ast. Judge.

A Bill of Indictment for Murder was found by a grand-jury at the September Term of the Supreme Court against Stephen Boorn and Jesse Boorn for the murder of Russell Colvin; but as the Court did not consist of the requisite number of Judges, the trial was adjourned.

The indictment was in the usual form, charging the prisoners as "being moved and seduced by the instigation of the devil,"—and that they "feloniously, wilfully, and of their malice aforethought did kill and murder," Russell Colvin, upon the 10th day of May, A. D. 1812.

The State's Attorney appeared in support of the prosecution.

Messrs. Skinner Wellman, and Sargeant, as counsel for the Prisoners.

Before the introduction of any testimony, Mr. Skinner made a motion, that as the prisoners had pleaded severally "Not Guilty," they might be allowed separate trials.

The court ruled that Stephen and Jesse Boorn, should be *jointly* tried for the murder of Russell Colvin.

About fifty witnesses were successively examined; but as they were only corroborative of each other—all tending to prove the leading facts in the case, and too voluminous for this

Brief Sketch, none but the principal testimony will here be introduced.

EVIDENCE ON THE PART OF THE STATE.

Thomas Johnson, sworn—I was a neighbour to the Boorns and Colvin. In the early part of the month of May, seven years ago, last spring, I saw one morning, Stephen Boorn, Jesse Boorn, Russell Colvin, and his son Lewis Colvin, picking up stones. They appeared to be in a quarrel. I had a full view of them, although they could not see me. I have never seen Russell Colvin since. Stephen said he was not in the field picking stones at the time Russell went off, but that he went off at that time. Jesse, while in imprisonment, told me that he was assisting in shoeing an horse, when Russel went off. Stephen said the woodchuck they had for dinner the day Russell went off was killed by him, when mending fence for a Mr. Hammond. Having purchased the land where this quarrel took place, the children found and brought home an old mouldy rotten hat—I knew it to be the hat of Russel Colvin. In the cellar-hole stood a thrifty apple tree about three feet high, which was taken away the season after I noticed it.

Lewis Colvin, (son of Russell Colvin) sworn. He said that at the time Russell went off, he was picking stones with him, and Stephen and Jesse Boorn—that a quarrel arose between Stephen and Russell—that Russell struck Stephen first—that Stephen knocked Russell down with a club, and that he (the witness) ran away, and saw no blood—that Stephen told him not to tell that he struck Russel—that he has never seen Russell since.

[It appeared from the testimony of many witnesses that a jack-knife, and a button was found in the old cellar-hole which were recognized as having once belonged to Russell Colvin—that he had occasionally absented himself from his family, and was at times in a state of mental derangement—that bones had been found, which by some were supposed to be human bones, but which appeared, from the most conclusive evidence, not to be human bones. From a large mass of evidence, that which relates to the accidental observations of the Boorns, before their arrest and imprisonment, and their confessions when chained in a dungeon, are deemed altogether the most important.]

Truman Hill, sworn.—He stated that he had the keys of the prison in which the Boorns' were imprisoned—that he exhorted Jesse to tell the truth, and that if he told a falsehood it would increase his trouble—that he confessed that he was afraid that Stephen had murdered Colvin, and that he believed he knew very near where the body was buried—that

when the knife and the hat of Colvin were shewn him, he was much agitated. He said he urged Jesse to confess nothing but the truth.

Sally Colvin, (wife of Russel Colvin, and sister to the Boorns') stated that about four years since Stephen said I could swear the child with which I was pregnant, for he knew that Colvin was dead. Jesse also said that I could swear it.

Daniel D. Baldwin, and Mrs. Baldwin to the same effect said that about three years since, Stephen told them that Colvin went off in a strange manner into the woods at the time he, Jesse Colvin and Lewis were picking stones—that Lewis had gone for drink, and when he asked them where Colvin was gone ? One answered, gone to hell; the other that they had put him where potatoes would not freeze.

[Numerous witnesses testified to the contradictoay declarations of the Boorns in regard to the disappearance or death of Colvin; but the testimony of Silas Merrill, to the extraordinary CONFESSION of Jesse Boorn is *in substance* inserted.]

Silas Merrill, sworn. Testified that as Jesse was returned to prison from time to time from the court of enquiry, that he had been urged to confess; that one night in the prison we got up, & Jesse said that Stephen knocked Colvin down twice, broke his scull, & the blood gushed out; that his father came up three several times, and asked if he was dead, and said, damn him; that all three of us took the body and put it into the old cellar, where father cut his throat; that he knew the jacknife to be Colvins; that Stephen wore Colvin's shoes; that about a year and an half after, they took up the bones; put them under a barn that was burned; then pounded them up and flung them into the river; that father put some of them into a stump, &c.

[The following written confession of Stephen, was rejected by the Court, but as its contents were alluded to by oral testimony, it was introduced by the prisoners counsel.]

"May the tenth, 1812, I, about 9 or 10 o'clock, went down to David Glazier's bridge, and fished down below uncle Nathaniel Boorn's, and then went up across their farms, where Russel and Lewis was, being the nighest way, and sat down & began to talk, and Russel told me how many dollars benefit he had been to father, and I told him he was a damned fool, and he was mad and jumped up, and we sat close together, and I told him to set down, you little tory, and there was a piece of a beech limb about two feet long, and he catched it up & struck at my head as I sat down, and I jumped up and it struck me on one shoulder, and I catched it out of his hand and struck him a back handed blow, I being on the north side of him, and there was a knot on it about one inch long. As I struck him I did think I hit him on his back, and he stooped down and that knot was broken off sharp, and it hit him on the back of the neck,

close in his hair, and it went in about a half of an inch on that great cord, and he fell down, and then I told the boy to go down and come up with his uncle John, and he asked me if I had killed Russel, and I told him no, but he must not tell that we struck one another. And I told him, when he got away down, Russel was gone away, and I went back and he was dead, and then I went and took him and put him in the corner of the fence by the cellar hole, and put briars over him and went home and went down to the barn and got some boards, and when it was dark I went down and took a hoe and boards, and dug a grave as well as I could, and took out of his pocket a little barlow knife, with about a half of a blade, and cut some bushes & put on his face and the boards, and put in the grave, and put him in four boards on the bottom and on the top, and t'other two on the sides, and then covered him up and went home crying along, but I want afraid as I know on. And when I lived to William Boorn's I planted some potatoes, and when I dug them I went there and something I thought had been there, and I took up his bones and put them in a basket, and took the boards and put on my potatoe hole, and then it was night, took the basket and my hoe and went down and pulled a plank in the stable floor, and then dug a hole, and then covered him up, and went in the house and told them I had done with the basket & took back the shovel, and covered up my potatoes that evening, and then when I lived under the west mountain, Lewis came and told me that father's barn was burnt up, the next day or the next day but one I came down and went to the barn and there was a few bones, and when they was to dinner I told them I did not want my dinner, and went and took them, and there want only a few of the bigest of the bones, and throwed them in the river above Wyman's, and then went back, and it was done quick too, and then was hungry by that time, and then went home, and the next Sunday I came down after money to pay the boot that I gave to boot between oxens, and went out there and scraped up them little things that was under the stump there, and told them I was going to fishing, and went, & there was a hole, and I dropped them in and kicked over the stuff, and that is the first any body knew it, either friends or foes, even my wife. All these I acknowledge before the world.

STEPHEN BOORN.

Manchester, Aug. 27, 1819.

Much other testimony was adduced, but cannot be introduced into this, which is again pronounced a mere "Sketch" of this singular prosecution.

The charge of the court to the jury was solemn, learned, and peculiarly impressive.

The Jury returned with a verdict finding both of the prisoners GUILTY.

They were sentenced to be executed upon the 28th January, 1820.